

Remarks

Reconsideration is requested in view of the above amendment and the following remarks. Claim 7 has been rewritten into independent form. Claims 1-6 and 10-11 are canceled without prejudice or disclaimer. Claims 7-9 and 12 are pending.

35 USC 112 rejection

Claims 1-12 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Claim 1 has been canceled. Claim 7 has been written into independent form to include the language from claim 1. However, the objected to language from claim 1 "and the size of the light spot in the direction perpendicular to the information track in the reproducing operation is smaller than a diffraction limit" has not been added into claim 7.

35 USC 102 and 103 rejections

Claims 1-2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki (JP 64-084458).

In addition, claim 3 is rejected under 35 USC 103(a) as being unpatentable over Aoki in view of US 5,581,531 to Ito et al.

In addition, claims 4-6 and 11 are rejected under 35 USC 103(a) as being unpatentable over Aoki and Ito et al. in view of US 5,796,683 to Sumi et al.

Claims 1-6 and 10-11 have been canceled, rendering the rejections moot.

Claim 7, which was indicated as reciting allowable subject matter, has been rewritten into independent form to include the language from claim 1 except for the objected to language discussed above. Claim 7 should be in immediate condition for allowance. Claims 8-9 and 12 depend from claim 7 and are allowable along with claim 7.


Conclusion

Favorable reconsideration in the form of a Notice of Allowance is requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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